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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/068,927	02/08/2002	David R. Johnson	T-6069	9391

7590 05/02/2003
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San Ramon, CA 94583-0806

EXAMINER

GRIFFIN, WALTER DEAN

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 05/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/068,927

Applicant(s)

JOHNSON ET AL.

Examiner

Walter D. Griffin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 26 objected to because of the following informalities: The expression "one-dimensional pores" is unnecessarily repeated.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-3, 10, 11, 13-15, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0323092 A2.

The EP reference discloses a process for converting a product from an F-T process. The process comprises introducing an F-T wax and hydrogen into a hydroisomerization reactor where the F-T wax and hydrogen contact a hydroisomerization catalyst at hydroisomerization conditions. The hydroisomerization catalyst comprises a Group VIII metal such as platinum on a support. The wax would necessarily contain C5+ components. The product from the hydroisomerization reaction zone, which would necessarily have a lowered pour point relative to the feed, is then passed to a hydrofinishing zone operated at hydrofinishing conditions including pressures ranging from 300 to 1500 psi to produce a hydrofinished product. This product is then fractionated to produce various products. See page 4, lines 31-51 and page 6, lines 26-42.

The EP reference does not disclose the collection of the specific products.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of the EP reference by recovering the claimed products because the reference discloses broad ranges for the separated fractions and one would recover any fractions within the disclosed broad ranges.

Claims 4-9, 12, 16-21, and 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0323092 A2 in view of Miller (US 5,135,638).

The EP reference discloses a process for converting a product from an F-T process. The process comprises introducing an F-T wax and hydrogen into a hydroisomerization reactor where the F-T wax and hydrogen contact a hydroisomerization catalyst at hydroisomerization conditions. The hydroisomerization catalyst comprises a Group VIII metal such as platinum on a

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support. The wax would necessarily contain C5+ components. The product from the hydroisomerization reaction zone, which would necessarily have a lowered pour point relative to the feed, is then passed to a hydrofinishing zone operated at hydrofinishing conditions including pressures ranging from 300 to 1500 psi to produce a hydrofinished product. This product is then fractionated to produce various products. See page 4, lines 31-51 and page 6, lines 26-42.

The EP reference does not disclose the collection of the specific products, does not disclose that the metal in the catalyst is added by non-aqueous addition, and does not disclose the use of intermediate pore zeolites or non-zeolitic molecular sieves.

The Miller reference discloses the hydroisomerization of F-T waxes. The process utilizes catalysts that comprise non-zeolitic molecular sieves such as SAPO-11 and intermediate pore zeolites such as ZSM-22. Hydrogenation metals may be added to the catalysts by the method disclosed in US Patent 3,226,339. This patent discloses the non-aqueous addition of the metals. See col. 2, lines 66-68; col. 3, lines 1-6; col. 4, lines 27-35; col. 6, lines 56-68; col. 7, lines 1-5; col. 10, lines 32-44; and col. 13, lines 1-22. See also col. 7, lines 6-23 in US Patent 3,226,339.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of the EP reference by recovering the claimed products because the reference discloses broad ranges for the separated fractions and one would recover any fractions within the disclosed broad ranges.

It also would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the process of the EP reference by utilizing the catalysts disclosed by Miller including those made by the non-aqueous addition of the hydrogenation

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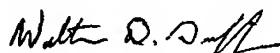
metal in the hydroisomerization step because the use of such catalysts will result in the production of products with reduced pour points.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter D. Griffin whose telephone number is 703-305-3774. The examiner can normally be reached on Monday-Friday 6:30 to 4:00 with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 703-308-6824. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



Walter D. Griffin
Primary Examiner
Art Unit 1764

WG
April 30, 2003